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November 29, 2023

VIA ECF

United States District Court
Honorable Lewis J. Liman
500 Pearl Street
New York, NY 10007

Re: *Andrade-Barteldes v. ASA College, Inc., et al.* – No. 23-cv-495
Status Report

Dear Judge Liman,

This firm represents the plaintiff, Ernest Andrade-Barteldes, in the above-referenced civil action. This action seeks recovery under the Fair Labor Standards Act and New York Labor Law of unpaid minimum wages and non-payment of wages by defendants to the plaintiff and a large group of adjunct instructors formerly employed by the defendants. This action when commenced was stylized as a class action and collective action, and, on April 4, 2023, plaintiff moved for certification of the class and collective.

All of the defendants in this action have been served with process (ECF Docket #30, 32, 33). Defendants ASA College, Inc. (“ASA”) and Alexander Shchegol (“Mr. Shchegol”) have not responded to the complaint or otherwise appeared in this action. Defendant Jose Valencia (“Mr. Valencia”) filed an Answer (ECF Docket #45) and appeared by telephone for a conference with the Court, but has not responded to plaintiff’s Motion for Certification of the Class and Collective, has not responded to plaintiff’s discovery requests, and has not responded to the Court’s Order to Show Cause why he should not be deemed in default (ECF Docket #55-57).

Given the procedural history as described above, plaintiff requests that the Court issue a Decision and Order granting plaintiff’s Motion for Certification of the Class and Collective, and issue an Order finding that Mr. Valencia is in default. With those Orders, Plaintiff will enter default against all Defendants at the same time, and then will file a motion for default judgment against all Defendants on behalf of the class and collective simultaneously. Plaintiff posits that proceeding in this manner and order would result in the most efficient use of the Court’s time and avoids piecemeal litigation of Defendants’ defaults.

Thank you for the Court's time and attention to this matter.

Respectfully submitted,

LEVINE & BLIT, PLLC



Justin S. Clark